1 The Honorable Robert S. Lasnik 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 JASON MOOMJY, Individually and On Behalf Case No. 2:11-cv-00726-RSL 10 of All Others Similarly Situated, **CLASS ACTION** 11 Plaintiff, LEAD PLAINTIFF'S UNOPPOSED v. 12 MOTION FOR PRELIMINARY HQ SUSTAINABLE MARITIME APPROVAL OF SETTLEMENT AND 13 INDUSTRIES, INC., NORBERT SPORNS **CERTIFICATION OF PROPOSED** 14 and JEAN-PIERRE DALLAIRE, et al., SETTLEMENT CLASS 15 Defendants. **NOTE ON MOTION CALENDAR:** 16 October 19, 2012 17 18 19 20 21 22 23 24 25 26

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Lead Plaintiff Trigon Emerging Agri-Sector Fund ("Lead Plaintiff") hereby moves this Court for entry of an order (i) granting preliminary approval of the proposed Settlement set forth in the Stipulation of Settlement dated September 28, 2012; (ii) certifying the proposed Class for purposes of settlement; (iii) approving the form and manner of giving notice of the proposed Settlement to the Class; and (iv) setting a hearing date for final approval of the Settlement and all its terms and elements, including the proposed Plan of Allocation. Lead Plaintiff's Counsel have conferred with Defendants' Counsel prior to filing this motion, and Defendants concur with and join in this motion.

This Motion is based upon the Stipulation of Settlement and all exhibits attached thereto; the [Proposed] Order for Notice and Hearing which provides for the preliminary approval of the Settlement and distribution of the Notice; all other pleadings and matters of record; and such additional evidence or argument as may be presented at the hearing.

Because all of the Parties to this action concur in the filing of this motion, they request that the Court approve this motion without a noticed hearing. Of course, should the Court desire more information, we will provide it immediately.

Accordingly, Lead Plaintiff requests that the Court enter the [Proposed] Order for Notice and Hearing, a copy of which is attached hereto.

DATED this 28th day of September, 2012 KELLER ROHRBACK L.L.P.

/s/ Elizabeth A. Leland

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1 CERTIFICATE OF SERVICE 2 I hereby certify that on September 28, 2012, I electronically filed the foregoing paper 3 with the Clerk of the Court using the ECF system which will send notification of such filing to 4 the following ECF participants: 5 Andrea Delgadillo Ostrovsky aostrovsky@yarmuth.com, sstephens@yarmuth.com 6 Brian Weinstein (Terminated) brian@weinsteincouture.com, briandw@comcast.net 7 Dan Drachler ddrachler@zsz.com 8 9 Elizabeth Ann Leland bleland@kellerrohrback.com, dwilcher@kellerrohrback.com 10 Erin Maura Riley eriley@kellerrohrback.com, chopkins@kellerrohrback.com 11 James P Savitt jsavitt@jetcitylaw.com, asayson@jetcitylaw.com, dcolvin@jetcitylaw.com, dpeters@jetcitylaw.com, mgranger@jetcitylaw.com, tcowden@jetcitylaw.com 12 13 Jeremy E Roller iroller@yarmuth.com, smeyer@yarmuth.com 14 Juli E. Farris jfarris@KellerRohrback.com, lbachmann@kellerrohrback.com 15 Julie Goldsmith Reiser jreiser@cohenmilstein.com 16 Karl Phillip Barth karlb@hbsslaw.com, dawn@hbsslaw.com, shelbys@hbsslaw.com 17 Kenneth Lee Karlberg ken@karlberglaw.com 18 lsarko@kellerrohrback.com, cengle@kellerrohrback.com Lynn Lincoln Sarko 19 20 Marc D Ashley mashley@chadbourne.com 21 Marcelo Blackburn mblackburn@chadbourne.com 22 Mary K. Blasy mblasy@scott-scott.com, efile@scott-scott.com 23 Michael D Handler mhandler@cozen.com, mstone@cozen.com 24 Peter M. Ryan pryan@cozen.com, kduffy@cozen.com 25 Robert W Hayes rhayes@cozen.com, egomez@cozen.com, sgerhard@cozen.com 26

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